


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्रधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, मंगलवार, अप्रैल 25, 1995/वैशाख 5, 1917
No. 10] NEW DELHI, TUESDAY, APRIL 25, 1995/VAISAKHA 5, 1917

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha:—

BILL No. 25-F OF 1995

A Bill further to amend the National Highways Act, 1956.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the National Highways (Amendment) Act, 1995. Short title

48 of 1956.

2. After section 8 of the National Highways Act, 1956, the following sections shall be inserted, namely:—

Insertion of new section 8A and 8B.

“8A. (1) Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with any person in relation to the development and maintenance of the whole or any part of a national highway.

Power of Central Government to enter into agreements for development and maintenance of national highways.

(2) Notwithstanding anything contained in section 7, the person referred to in sub-section (1) is entitled to collect and retain fees at such rate, for services or benefits rendered by him as the Central Government may, by notification in the Official Gazette, specify.

59 of 1988.

(3) Notwithstanding anything contained in the Motor Vehicles Act, 1988 or any other law for the time being in force, the person referred to in sub-section (1) shall regulate traffic in the manner provided in the agreement referred to in that sub-section.

Punish-
ment for
mischief
by
injury to
national
highway.

8B. Whoever commits mischief by doing any act which renders or which he knows to be likely to render any national highway referred to in sub-section (1) of section 8A impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both."

STATEMENT OF OBJECTS AND REASONS

Proper development of road infrastructure is essential for economic development of the country. However, due to constrain of resources, it has not been possible to allocate sufficient funds for the development of road sector in the country. Therefore, a need has been felt to tap private entrepreneurship and private resources in the development of road sector. With this in view, the Government has taken a number of measures like the declaration of road sector as an industry and infrastructure facility and certain other concessions. A number of private investors including foreign investors have shown interest in the proposal to open the road sector for private investment. However, in the absence of an enabling provision in the National Highways Act, 1956, it is not possible to enter into agreements with private investors for the development of roads.

2. It is, therefore, proposed to enable the Central Government:—

(i) to enter into agreement with any person in relation to the development and maintenance of the whole or any part of a national highway;

(ii) to levy fees and authorise the person who has undertaken to develop the whole or any part of a national highway to collect such fee;

(iii) to empower such person to regulate traffic on such national highway.

3. It is also proposed to provide for punishment for mischief by injury to such national highways.

4. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 6th April, 1995.

JAGDISH TYTLER.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert, *inter alia*, a new section 8A in the Act. Sub-section (2) of that section empowers the Central Government by notification in the Official Gazette to fix the rate at which fees may be collected for services or benefits rendered by any person with whom the Central Government has entered into an agreement for the development and maintenance of the whole or any part of a national highway.

2. The matter in respect of which notification may be issued is a matter of administrative detail and it is not practicable to provide for it in the Bill. Under the circumstances the delegation of legislative power is, therefore, of a normal character.

R. C. BHARDWAJ,
Secretary-General